

# CITY WINS ALL POINTS BUT ONE

**In Injunction Case Judge Holds City Can Incur no Further Indebtedness--Opinion Rendered Allows City Right to Dispose Of Its Electrical Power.**

(From Saturday's Daily.)

Yesterday, in the District Court, Judge Sloan rendered an opinion in the matter of the temporary injunction secured by Frank L. Wright against the City of Prescott, restraining them from proceeding with the work of building a municipal electric light plant. In the Judge's opinion, he raised all of the injunction points with the single exception of the one relating to the City incurring any further debt, which practically prohibits the City building the light plant, or, for the matter of that, incurring any further indebtedness of any kind whatsoever, as the Judge held that under what is known as the Harrison Act, the City had "gone its limit."

In his opinion Judge Sloan stated that there was nothing to prevent the City selling any excess electric power it might have on hand, but that it could not construct a distributing plant of its own, unless the money should be given the City for this purpose, as no further debt could be legally incurred by the City.

The result of this opinion, in the minds of the various City officials, contains great possibilities. When informed of the opinion, Mayor Goldwater, in conversation with a Journal-Miner representative, said:

"If the Judge's opinion has been quoted to me correctly, namely, that the City can incur no further obligations, it appears to me that Prescott is 'up against it.'"

"You can say for me, if that is the Court's opinion, that those crossings on Pleasant street will not be built. We have no money to build them, and cannot incur any further debts. The grading of Mount Vernon street will not take place; we can incur no further debts; the sewer and manholes contemplated will not be built—we can incur no further debts; in fact, the City is at a standstill, for the present, as far as any improvements of any kind are concerned, and according to the Judge's opinion, as I understand it, about the only thing we could go into debt for would be to fight an epidemic of small pox, or something of the kind, and it's doubtful if even that, under the interpretation of the opinion rendered, would be permissible."

C. C. Glass, superintendent of the City water works, stated that in his opinion the conclusions of Judge Sloan were somewhat of a triumph for the City.

"According to the opinion," said Mr. Glass, "we can sell our surplus electric power, which, after all, is the main thing. While the Judge's opinion restrains the City from contracting any further debt, in the building of a distributing system, or anything else, it gives the city the right to dispose of its electric power, and in the event that the franchise question is voted on favorably by the voters at the coming election, a company can be organized to build a distributing system and the City can sell this company electric energy."

"Just what those asking for the franchise contemplate, I, of course, am not in a position to state, but with the legal right to sell our electric power it seems to me to be only a matter of whether or not the people vote favorably upon the franchise proposition for Prescott to soon have an opposition electric light plant in operation."

In the Judge's opinion, which will be handed down in writing, today, every point of the injunction was dissolved with the one exception as stated above, that of the right of the City to incur any further indebtedness in building a municipal electric light plant, or of incurring any further indebtedness whatever.

The bonded indebtedness of the City at present is \$441,261.90, and the floating indebtedness approximately \$27,000.

## FAMOUS NOZZLEMAN DEAD OF WHITE PLAGUE.

(From Friday's Daily.)

News reached here yesterday from Taylorville, Ill., of the death in that place, from tuberculosis, of John Nelson, a former resident of this city and the Bradshaw Mountain country. Deceased left here about two years ago for Illinois, in the hope that a change of climate might benefit his health.

He leaves surviving him a wife, daughter of George P. Harrington, and six children. He was 40 years old. In 1891 he was nozzlemaster for the Prescott hose team that won the championship of the Southwest in the memorable Albuquerque contest, and was considered by expert firemen to be one of the fastest nozzlemen in the world. For a number of years before leaving the Territory he was engaged in mining in the Bradshaw Mountains, where he acquired valuable mining interests.

## Samuel Wells Dead.

At a late hour, Wednesday night, at the advanced age of 84 years, Samuel Wells died at the home of his son-in-law and daughter, Mr. and Mrs. Forsythe, in the Agua Fria Valley, near Dewey. Deceased had been a resident of this section for a number of years, and was a man respected by all who knew him.

## PAYS DEATH PENALTY.

ATLANTA, Ga., Jan. 4.—Will Johnson, a negro, whose arrest and trial attracted much attention, was hanged in the city prison today. The crime for which Johnson paid the death penalty was a criminal assault upon Mrs. Georgia Hembree, near Battle Hill, just beyond the city limits, on August 15, last.

## MEXICO STRIKE ENDED.

MEXICO CITY, Mex., Jan. 4.—Today, as the result of arbitration by President Diaz, the strike of textile workers, the greatest this city has ever known, was ended.

The Journal-Miner stands up for Prescott and Yavapai county.

## GENTLE SAVAGES IN THE PHILIPPINES.

Philippine Commission, In Its Annual Report, Tells of the "Peace and Order" Now Prevailing in Uncle Sam's Far-off Islands.

Speaking of the peace and order prevailing in the Philippines, the annual report of the Philippine Commission says:

### Around Manila.

It is stated that the remnant of the bands of lardones which have infested the provinces of Cavite and Batangas in the neighborhood of Manila since the Spanish regime have been finally broken up, one of the most desperate leaders killed, and others to the number of twelve were so hounded by the constabulary that they came in and voluntarily surrendered without any condition, promise or inducement on the part of the government other than that they would be protected in coming to Manila and receive a fair trial.

Later advices from the Philippines gives the information that these men have been tried before a Filipino judge and have been shown to be guilty, without exception, of the most fiendish and cruel murders and shocking mutilations, and all but one were sentenced to death, he being sentenced to thirty years' imprisonment. It is significant that all of these leaders of outlaws took high-sounding titles in an imaginary Filipino republic or religious organization, calculated to impress the ignorant natives and gain a following. With the surrender of the constituted leaders the lawless and disaffected had no one around whom to gather and were quick to follow the example of the former by surrendering their arms and entering peaceful pursuits.

These two provinces have always been the storm center of lardonism, but now that peace once more reigns, and life and property are safe, the people, no longer fearing robbery or molestation while in the pursuit of their employments, or the devastation of their homes, the carrying away of their wives and daughters, and the destruction of their property and all of the fruits of their industry at the hands of the outlaws, their relief is unbounded, and their confidence in the permanency of these conditions is attested by the fact that they have placed under cultivation a larger acreage of land than ever before. Aguinaldo states that he believes there will be very little further trouble from outlaws in this section, and as a further proof of his sincerity in this belief it is cited that since these surrenders, he has leased from the bureau of lands nearly 1,500 acres of land in an outlying district, close to the mountains, hitherto infested by the outlaws.

### Central Luzon.

The only disturbance in northern Luzon was caused by one Salvador, who has posed as a prophet, wears long hair for effect, and has selected a religious fanaticism as the guise under which to work his depredations. He styles himself the head of the "Holy Church," and the followers of this movement are drawn from the most ignorant and superstitious people, who are devout and prayerful in their religious observances, but in many of the rites of this organization indecency and licentiousness prevail. By securing forecasts from the weather bureau in Manila, and thus being able to predict the approach of storms, floods, etc., he has created among his ignorant followers a belief that he possesses divine and prophetic power.

He uses this as an ingenious means of levying contributions from the ignorant natives, threatening them with devastation by the elements if they do not pay. A prophet who could threaten with typhoons those who did not contribute at his request was a most potent persuader. Ignorant fanatics, when under the excitement and influence of a pseudo-religious movement of this character, are easily carried beyond the attitude of mere assistance and support into acts of open violence in behalf of their religious chief. A band led by Salvador rushed the constabulary barracks in the town of Malolos and killed a sentinel and captured a few guns.

Encouraged by this slight success they made other similar attempts, hoping to gain prestige by a few successes, but failed, and were so bold as to try issues with a small detachment of constabulary which had gone in pursuit of them, and were scattered to the four winds, two of the principal leaders and many of their followers killed, most of their arms captured, and Salvador forced to seek safety in the swamps, and at present he is negotiating for a surrender, but has been inclined to wait for a time, in order to see the fate of some other outlaw leaders who surrendered and were then awaiting trial.

### Northern Luzon.

In the mountainous regions of northern central Luzon, inhabited mainly by

Igorots and other non-Christian or uncivilized tribes, there have been peace and good order except for the inclination for occasional reprisals on the part of the people of one municipality on another. Very few disturbances of this kind have occurred, however, and they are carefully watched and encouraged to settle their differences by reference to higher authority. Occasionally unscrupulous agitators in one province or another endeavor to get up disturbances among the ignorant people, and such an occurrence took place recently in one of the Ilocano provinces, but information was readily brought to the authorities by peace-loving citizens and the matter assumed no importance. The maintenance of good order depends fundamentally and in the end upon the co-operation of the people, and that co-operation has been very largely secured. With the exceptions noted the entire island of Luzon has enjoyed a condition of general tranquility and is free from disorder and lawless bands.

### Samar.

At the time of the last report it was thought that the worst was over in Samar, as many of the Pulajanes (hill tribes) had surrendered and come in with their guns, and that a just and humane policy would bring its proper results. Governor Curry has made remarkable progress in securing the sympathy and co-operation of the people. He met them in their own localities, satisfied them that he was their friend and had their good at heart, and is confident that the great mass of the people in the island are law-abiding and earnestly wish for the maintenance of good order, but a long-existing feud between these hill people on one side and those on the shores or lowlands on the other, and a long series of oppression by petty officials and traders, can not be overcome in a few weeks.

As the result of the Governor's work among them, the Pulajanes who still held out had agreed to surrender their arms in March last, with which the pacification of the island would have been completely effected and a condition and tranquility restored there which has never before existed, but unfortunately the ill-advised presence of some people from the coast towns, who had come up to see the surrender and who had always been regarded as the bitter enemies of the Pulajanes, rendered the Pulajan leaders suspicious and eventually caused a change of heart, for instead of surrendering they opened fire and were only repulsed after considerable loss. This deplorable incident has for the time undone the good work already accomplished with them and delayed the complete pacification of the island.

### Leyte.

Until June 9, 1906, the island of Leyte remained in peaceful condition. The people had elected a Filipino to succeed Major Borseth, of the constabulary, who had done such good service for them for two terms. The campaign was a spirited one and so bitter that much ill-feeling was engendered, and the new Governor made the mistake in the early part of his administration of harshly dealing with those who had opposed his election. This, together with religious fanaticism and other contributory causes, fanned the embers into a flame and several minor outbreaks or local disturbances occurred, which were put down.

The municipal presidents who were hostile to the provincial government agreed to lay aside all their differences and co-operate for the purpose of securing good order, and several of them have made a tour of the province with the Governor for this purpose. It will probably require only a short time to restore the province to its former condition of tranquility. The province is a very rich one and the disturbance is especially unfortunate.

In all the remaining Visayan Islands provinces ordinary conditions of industry and uniform peace prevail.

### Mindanao.

Since the killing of Dato Ali, the most desperate outlaw on the island of Mindanao, the situation is very much improved, and the problem is now one of maintenance, rather than establishment, of order.

## PUBLIC RECORDS.

Instruments Filed As Reported by the Prescott Title Company.

John Wilkins et al file affidavit of assessment work on Drummer placer, Big Bug district.

E. A. Bowman et al file affidavit of assessment work on Etta placer, Big Bug district.

Wm. McIntosh file affidavit of assessment work on Elizabeth mine, Turkey Creek district.

May Mining company files affidavit of assessment work on May and Malcolm mines, Big Bug district.

W. E. and B. A. Smith give notice of ownership of interest in Copper Chief mine, Squaw Peak district.

S. B. Griffin files affidavit of assess-

# ELECTION SUIT DECIDED TODAY

**Judge Listens to Arguments of Attorneys On Demurrer and Will Render An Opinion Today---Attorney General Clark's Contentions.**

(From Saturday's Daily.)

Judge Sloan listened yesterday to the arguments of counsel in the matter of the demurrer to the election contest case recently instituted by R. P. Talbot, with the object of throwing out Prescott precinct, North, from the official count, thereby unseating District Attorney R. E. Morrison. The court took the matter under advisement until today, when a decision will be rendered.

It is set up in the complaint upon which the suit is based that the Board of Canvassers, in canvassing the returns on November 19, was guilty of malconduct in counting the returns from Prescott precinct, North, for the reason that the Board of Supervisors failed to designate a polling place in the precinct where the election should be held, and that the Justice of the Peace and Election Board had likewise failed to give legal notice of the place where the election should be held.

The counting of the vote of the precinct, under the circumstances, was alleged to be malconduct on the part of the Board of Canvassers, but there was no other ground for contest set forth in the complaint.

Under the Territorial statutes malconduct on the part of the Board of Canvassers is made a ground for contest.

Defendant R. E. Morrison is represented by Attorney General E. S. Clark, who is associated in the case with Assistant District Attorney J. C. Forest, the latter being absent in California on account of the serious illness of a personal friend.

Attorney Reese M. Ling is counsel for the contestant, R. P. Talbot. Attorney Ling's argument was that the failure of the Board of Supervisors to designate a polling place and the further failure and neglect of the Justice of the Peace and Election Board to give

legal notice of the place selected for the holding of the polls was a fatal error for the reason that the statute made the duty of giving such notice mandatory. In support of the demurrer, Attorney General Clark raised three objections to the complaint, as follows:

First—That the action of the Board of Canvassers in counting the returns of Prescott precinct, North, under the circumstances alleged in the complaint, did not constitute malconduct, for the reason that the Board of Supervisors acted purely in a ministerial capacity and are compelled to canvass the returns if the same appear to be regular on their face. The Board cannot go behind the returns nor inquire whether any officer has omitted or neglected to perform any duty in connection with the election. Even though the Board knew that no legal notice designating the polling place had been given it would still be its duty to canvass the returns from any precinct established by law. It would be malconduct on the part of the Board if it failed to do so.

Second—That such omissions of duty as were charged against the Board of Supervisors, Justice of the Peace and Board of Election in the complaint do not constitute any ground for contesting an election under the laws of Arizona, no such ground being specified in the statutes.

Third—That even though the acts and omissions charged might be assumed, for the sake of argument, to constitute a ground for contest, inasmuch as the complaint fails to show that the failure of notice had resulted in any injury or had deprived the electors of an opportunity to vote or that a fair expression of the will of the great body of electors in the precinct had been thwarted, there was no cause of action as stated in the complaint.

lap—Q. C. Deed. Black Beauty mine, Walnut Grove district.

W. G. Wingfield files bond of \$5,000 as Supervisor.

C. H. Bowers et al file affidavit of assessment work on five mines, Black Hills district.

David Foley files bond for \$1,000 as Justice of the Peace, McCabe precinct.

James W. Kreamer files bond of \$1,000 as Justice of the Peace.

A. E. Baker files affidavit of assessment work on five mines, Quartz Mountain and Groom Creek districts.

John Thomas amends location of Twin Pines mine, Tiger district.

E. F. King et al locate Redeemer mine, Copper Basin district.

## MINE WARNING NOTICE.

To whom it may concern: The Golden Key Mining company, having the following named mining claims, to-wit: Golden Key, Golden Jewel, Green Gem, Golden Crown, Mountain View and Bedrock, situate in Graham and Eureka mining districts, have or Yavapai county, Arizona, not be responsible for any debts contracted for labor performed or material furnished or for accidents sustained above-named claims under bond the parties at present working lease.

G. CHARLES DAVIS  
ALICE E. DAVIS.  
Dated Feb. 1, 1906.

## WARNING NOTICE.

To All Whom It May Concern: My undivided one-half interest in the Silver Coin, South Extension Silver Coin and North Extension, situate in Turkey Creek Mining district, Yavapai county, Arizona Territory, will not be responsible for any debts contracted for labor performed or material furnished by the parties working the same now under an option and agreement.

O. J. GRAHAM.  
Dated this 19th day of November, 1906.

**SANTAL-MIDY**  
Standard remedy for Gonorrhea and Rheumatism in 43 HOURS. Cures Bladder and Urinary Tracts.

**A Boston schoolboy was tall, weak and sickly.**

**His arms were soft and flabby. He didn't have a strong muscle in his entire body.**

**The physician who had attended the family for thirty years prescribed 'codd's Emulsion.'**

**NOW:**

**To feel that boy's arm you would think he was apprenticed to a blacksmith.**

**ALL DRUGGISTS; 50c. AND \$1.00.**

